



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB0053

Introduced 1/30/2009, by Sen. Dan Kotowski, Ira I. Silverstein and Terry Link

SYNOPSIS AS INTRODUCED:

New Act

5 ILCS 80/4.30 new	
225 ILCS 605/2	from Ch. 8, par. 302
225 ILCS 605/2.2	from Ch. 8, par. 302.2
225 ILCS 605/3	from Ch. 8, par. 303
225 ILCS 605/3.1	from Ch. 8, par. 303.1
225 ILCS 605/3.13 new	
225 ILCS 605/3.15 new	
815 ILCS 505/2Z	from Ch. 121 1/2, par. 262Z

Creates the Dog Breeder License Act. Provides for the licensure of dog breeders with the Department of Financial and Professional Regulation beginning 6 months after the effective date of the Act. Sets forth powers and duties of the Department, licensure requirements, grounds for discipline, civil and criminal penalties for violation of the Act, and administrative procedure. Includes provisions concerning exemption from the Act. Provides that the Act does not limit the power of a unit of local government from regulating or licensing the practice of dog breeding in a stricter manner. Amends the Animal Welfare Act. Provides that pet shop operators must publicly disclose certain information regarding dogs for sale. Amends the Consumer Fraud and Deceptive Business Practices Act to provide that a licensee who intentionally makes false or misleading statements in connection with the disclosures required by the Dog Breeder License Act and the Animal Welfare Act are violations of the Consumer Fraud and Deceptive Business Practices Act. Amends the Regulatory Sunset Act to set a repeal date of January 1, 2020 for the new Act. Effective immediately.

LRB096 04209 ASK 14254 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

A BILL FOR

1 AN ACT concerning dog breeders.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Dog
5 Breeder License Act.

6 Section 5. Definitions. The following terms have the
7 meanings indicated, unless the context requires otherwise:

8 "Department" means the Department of Financial and
9 Professional Regulation.

10 "Division" means the Division of Professional Regulation
11 of the Department of Financial and Professional Regulation.

12 "Director" means the Director of the Division of
13 Professional Regulation.

14 "Dog" means any member of the subspecies *Canis lupus*
15 *familiaris*.

16 "Indoor housing facility" means any structure or building
17 that contains primary enclosures.

18 "Person" means any person, firm, corporation, partnership,
19 association, or other legal entity; any public or private
20 institution; the State of Illinois; or any municipal
21 corporation or political subdivision of the State.

22 "Primary enclosure" means the primary structure that
23 restricts a dog's ability to move, which includes a kennel,

1 cage, or run.

2 "Sale" means the transfer of a dog to another person in any
3 of the following ways:

4 (1) Offering directly to a consumer for purchase.

5 (2) Offering at a retail pet shop for purchase.

6 (3) Offering a dog on the internet for purchase.

7 (4) Offering a wholesale exchange.

8 (5) Offering a dog up for adoption with any charges or
9 donation associated.

10 (6) Offering a dog up for research purposes.

11 "Sanitized" means cleaning hard surfaces and food and water
12 receptacles using one of the following methods:

13 (1) Live steam under pressure.

14 (2) Washing with water with a temperature of at least
15 180 degrees Fahrenheit and soap or detergent, as with a
16 mechanical cage washer.

17 (3) Washing all soiled surfaces with appropriate
18 detergent solutions or disinfectant products followed by a
19 clean water rinse that removes all organic material and
20 mineral buildup.

21 "Secretary" means the Secretary of Financial and
22 Professional Regulation.

23 "Unaltered dog" means any dog that is not spayed or
24 neutered.

25 "Veterinarian" means a person holding the degree of Doctor
26 of Veterinary Medicine who is licensed under the Illinois

1 Veterinary Medicine and Surgery Practice Act of 2004.

2 Section 10. License requirements. Any person who maintains
3 or more female dogs for the purpose of the sale of their
4 offspring must be licensed under this Act.

5 Section 15. Powers and duties of the Department.

6 (a) The Department exercises the powers and duties
7 prescribed by the Civil Administrative Code of Illinois for the
8 Administration of Licensure Acts and exercises other powers and
9 duties necessary for effectuating the purposes of this Act.

10 (b) The Department must adopt rules to administer and
11 enforce this Act including, but not limited to, setting fees
12 for original license and renewal and restoration of license and
13 any other administrative fees, and may prescribe forms to be
14 issued to implement this Act. At a minimum, the rules adopted
15 by the Department must include standards and criteria for
16 license and for professional conduct and discipline. The
17 Department must promulgate rules within 6 months of this Act
18 being signed into law.

19 Section 20. Application for original license.

20 (a) Applications for an original license must be made to
21 the Department in writing, signed by the applicant on forms
22 prescribed by the Department, and accompanied by a
23 nonrefundable fee set by rule. The Department must require

1 information from the applicant that, in its judgment, will
2 enable the Department to determine the qualifications of the
3 applicant for license. Such information must include the
4 location of all facilities to be used, description of
5 facilities to be used, present and previous business
6 connections and experience, bank and professional references,
7 whether any license of the applicant under this Act or any
8 federal, state, county or local law, ordinance, or regulation
9 relating to dealing in or handling dogs or cats was ever
10 suspended or revoked, and whether the applicant has ever been
11 convicted of a felony.

12 Any applicant is ineligible for licensure if he or she has
13 been convicted of any of the following:

14 (1) A felony under any Section of the Humane Care for
15 Animals Act.

16 (2) Dog fighting under Section 26-5 of the Criminal
17 Code of 1961.

18 (3) Any violation of Section 12-35 or 26-5 of the
19 Criminal Code of 1961.

20 (4) A criminal offense in another jurisdiction of the
21 United States that is substantially similar to any of the
22 offenses listed in paragraphs (1) through (3) of this
23 subsection (a).

24 The Department shall consider if the applicant has been
25 convicted within the last 10 years in any state of dog
26 fighting, animal abuse, or any other animal-related action.

1 (b) A license must not be issued to someone who is
2 prohibited from owning unaltered dogs under Section 12-36 of
3 the Criminal Code of 1961.

4 (c) Applicants for licensure must have their fingerprints
5 submitted to the Illinois State Police in an electronic format
6 that complies with the form and manner for requesting and
7 furnishing criminal history record information as prescribed
8 by the Illinois State Police. These fingerprints must be
9 checked against the most current Illinois State Police and
10 Federal Bureau of Investigation criminal history record
11 databases. The Illinois State Police may charge applicants a
12 fee for conducting the criminal history records check, which
13 must be deposited into the State Police Services Fund and must
14 not exceed the actual cost of the records check. The Illinois
15 State Police must furnish, pursuant to positive
16 identification, records of Illinois convictions to the
17 Department. The Department may require applicants to pay a
18 separate fingerprinting fee, either to the Department or to a
19 vendor. The Department, in its discretion, may allow applicants
20 who do not have reasonable access to a designated vendor to
21 provide their fingerprints in an alternative manner. The
22 Department may adopt any rules necessary to implement this
23 Section.

24 (d) Two or more dog breeding physical facilities under
25 common ownership that are separated by a distance of an
26 one-quarter mile or more must be licensed individually under

1 this Act.

2 (e) The Department must conduct an inspection to determine
3 compliance with this Act prior to issuing a license. If the
4 applicant's facility is not in full compliance with this Act,
5 the license may not be issued until the applicant is in full
6 compliance.

7 Section 25. Issuance of license. The Department must begin
8 issuing licenses under this Act within 6 months after the
9 effective date of this Act. The Department must issue a license
10 to an applicant who meets the requirements and pays the
11 required application fee.

12 Section 30. Licenses; renewal; restoration.

13 (a) The expiration date, renewal period, renewal fees, and
14 procedures for renewal of each license issued under this Act
15 must be set by rule.

16 (b) Any person who has permitted their license to expire or
17 who has a license on inactive status may have it restored by
18 submitting an application to the Department and filing proof of
19 fitness, as defined by rule, to have the license restored.

20 (c) In renewing or restoring a license, the Department must
21 consider if the licensee has violated this Act or was convicted
22 of any violation of the Humane Care for Animals Act, dog
23 fighting under Section 26-5 of the Criminal Code of 1961, any
24 violation of Section 12-35 or 26-5 of the Criminal Code of

1 1961, or a criminal offense in another jurisdiction of the
2 United States that is substantially similar to any of the
3 Illinois offenses listed in this subsection (c).

4 (d) Every year the Department must conduct at least one
5 unannounced inspection of the licensee. An inspection fee may
6 be set by rule.

7 (e) If an applicant is currently out of compliance with
8 this Act, the applicant has 7 days to come into full compliance
9 or otherwise their renewal application must be denied by the
10 Department.

11 Section 35. Fees; returned checks. An agency or person who
12 delivers a check or other payment to the Department that is
13 returned to the Department unpaid by the financial institution
14 upon which the check or other payment is drawn must pay to the
15 Department the amount owed to the Department as well as a fine
16 of \$50. The fines imposed by this Section are in addition to
17 any other discipline provided under this Act. The Director may
18 waive the fines due under this Section in individual cases
19 where the Director finds that the fines would be unreasonable
20 or unnecessarily burdensome.

21 Section 40. Records. All licensees under this Act must
22 maintain records of the origin and sale of all dogs, and such
23 records must be made available for inspection upon demand by
24 the Division, the Illinois Department of Agriculture, the

1 appropriate county animal control agency, or the appropriate
2 local law enforcement. Records must be maintained for at least
3 5 years and must include the following:

4 (1) The date on which a dog enters the operation.

5 (2) The person from whom the dog was purchased or
6 obtained, including the address and phone number of that
7 person.

8 (3) A description of the dog, including the subspecies,
9 color, breed, sex, and approximate age and weight upon
10 arrival.

11 (4) Any tattoo, microchip number, or other
12 identification number carried by or appearing on the dog.

13 (5) Each date that puppies were born to that dog and
14 the number of puppies.

15 (6) All medical care and vaccinations provided to the
16 dog.

17 (7) The disposition of each dog and the date.

18 (8) Records that show compliance with Sections 55 and
19 60 of this Act.

20 (9) Copies of disclosures required under Section 50 of
21 this Act.

22 Section 45. Reporting requirements. Every calendar year
23 the following information must be reported to the Department by
24 the licensee:

25 (1) Number of unaltered females over 5 months.

1 (2) Number of unaltered males over 5 months.

2 (3) Number of puppies born.

3 (4) Number of puppies sold whether sold directly to a
4 consumer, to a retail pet shop, via the internet, through
5 wholesale exchange, or offering them for adoption with a
6 charge or donation.

7 (5) Number of dogs that were found dead in their
8 enclosure.

9 (6) Number of dogs that were euthanized.

10 Section 50. Disclosures at time of sale.

11 (a) Every licensee must provide the information set forth
12 in this subsection (a) prior to the sale of a dog. For dog
13 breeders selling dogs over the internet, the disclosure must be
14 posted in conjunction with the information about the individual
15 dog for sale.

16 Both the licensee and the consumer must sign the disclosure
17 and the licensee must maintain an original copy of the
18 disclosure for a period of 2 years after the date of sale. The
19 disclosure must include all of the following:

20 (1) The breed, age, date of birth, sex, and color of
21 the dog.

22 (2) The dates of any inoculations and medical
23 treatments administered to the dog at any time prior to the
24 sale, including the name and address of the individual who
25 performed the examination and administered any treatments

1 or medications.

2 (3) The name of the breeder and the facility where the
3 dog was bred, including the address and phone number. If
4 the breeder is located in Illinois, the breeder's license
5 number must be included. If the breeder holds a license
6 issued by the United States Department of Agriculture, the
7 breeder's federal identification number must be provided.

8 (4) The name and address of any other person who owned
9 or harbored the dog between its birth and the point of
10 sale.

11 (5) The retail price of the dog, including any
12 additional fees or charges. If financing is being offered
13 for the purchase of the dog, the disclosure must also
14 include the following information: name of the company
15 financing the sale, annual percentage rate, monthly
16 payment amount, term of the loan, total finance charge, and
17 total amount paid at the end of the loan.

18 (6) Any known congenital or hereditary diseases of the
19 parents of the dog.

20 (7) Any known illness or medical condition of the dog
21 at the time of sale.

22 (8) If the dog is being sold as being capable of
23 registration with a pedigree registry organization, the
24 name and registration numbers of the mother and father and
25 the name and address of the pedigree registry organization
26 where the mother and father are registered.

1 (9) If the dog was returned by a retail customer, the
2 date and reason for the return.

3 (10) Include the following statement and circle the
4 corresponding answer: "The facility in which the dog was
5 born has produced: (1) 1-2 litters in the past calendar
6 year, (2) 3-10 litters in the past calendar year, (3) 11-39
7 litters in the past calendar year, or (4) more than 40
8 litters in the past calendar year."

9 (11) State the licensee's policy regarding any
10 guarantees, warranties, refunds, and returns.

11 (12) The signature and printed name of the licensee and
12 the date beneath the following statement: "I hereby attest
13 that all of the above information is true and correct to
14 the best of my knowledge, and I have made a diligent effort
15 to obtain this information."

16 (13) Blank space for the customer to sign and print
17 their name and print the date beneath the following
18 statement: "I hereby attest that this disclosure was posted
19 with the dog for sale and that I have read all the
20 disclosures. I further understand that I am entitled to
21 keep a signed copy of this disclosure."

22 (b) Before the sale is completed, the licensee must have
23 the consumer sign and date the disclosure as described in
24 paragraph (13) of subsection (a) of this Section.

25 (c) Every licensee must make copies and provide a copy of
26 the "Buying a New Dog" pamphlet described in this subsection

1 (c) to each purchaser. The purchaser must initial that they
2 have read the pamphlet prior to the completion of the sale. A
3 copy of the signed pamphlet must be maintained by the licensee
4 and a copy must be given to the consumer.

5 The Department of Agriculture must create this pamphlet and
6 decide on the format of the pamphlet in consultation with
7 animal welfare organizations. The information in the pamphlet
8 must include at least the following:

9 (1) The benefits of visiting a veterinarian shortly
10 after purchasing a dog.

11 (2) The benefits of spaying or neutering a dog.

12 (3) "The cost of owning a dog: Beyond the purchase
13 price of a dog, there are annual expenses to care for a dog
14 including: routine veterinary care, vaccinations and
15 medications, food, grooming, training, licensing,
16 supplies, and additional or emergency medical care."

17 (4) "Consider when purchasing a dog that with proper
18 care a dog can live well past 10 years."

19 (d) A licensee who intentionally makes false or misleading
20 statements in connection with the disclosures required by this
21 Section has committed a violation of the Consumer Fraud and
22 Deceptive Business Practices Act.

23 Section 55. Unaltered dogs.

24 (a) A licensed dog breeder must maintain no more than 20
25 unaltered dogs over the age of one year.

1 (b) Unaltered dogs must meet the following criteria before
2 being bred:

3 (1) A male unaltered dog must be examined by a
4 veterinarian at least once a year and a female unaltered
5 dog must be examined by a veterinarian at least once a year
6 or prior to each attempt at breeding, whichever occurs more
7 frequently. During the examination the veterinarian shall
8 use appropriate methods to prevent, control, diagnose, and
9 treat diseases and injuries. A dog shall not be bred if a
10 veterinarian determines that the animal is unfit for
11 breeding purposes.

12 (2) The dog must be between the ages of 18 months and 8
13 years of age.

14 Section 60. Primary enclosures.

15 (a) Primary enclosures must contain potable water that is
16 not frozen, is free from debris, and is readily accessible to
17 all dogs at all times.

18 Food must be stored in a manner that protects it from
19 spoilage, vermin infestation, and prevents contamination. All
20 dogs must be provided with adequate food at least daily.

21 Food and water receptacles must be cleaned weekly and
22 sanitized so as to comply with this subsection (a).

23 (b) Feces, urine, hair, dirt, debris, and food waste must
24 be removed from the primary enclosure and it must be sanitized
25 at least daily or more often if necessary to prevent an

1 accumulation and to reduce disease hazards, insects, pests, and
2 odors.

3 Dogs must be removed from the primary enclosure when
4 cleaning occurs.

5 (c) The flooring of primary enclosure must meet all of the
6 following criteria:

7 (1) It must be strong enough so that the floor does not
8 sag or bend between structural supports. Floors that are
9 warped or sagging must be replaced.

10 (2) It must not be able to be destroyed through digging
11 or chewing by the dogs housed in the primary enclosure.

12 (3) It must not permit the feet of any dog housed in
13 the primary enclosure to pass through openings in the
14 floor.

15 (4) It must not be metal strand or wire, whether or not
16 it is coated and must not be sloped more than 0.25 inches
17 per foot.

18 The floors and cage must not have any sharp points or edges
19 that could injure the dogs.

20 Flooring constructed with slats must meet all of the
21 following conditions:

22 (i) Slats must be flat.

23 (ii) Slats must have spaces in between that are no more
24 than 0.5 inches in width.

25 (iii) Slats must have spaces between them that run the
26 length or the width of the floor, but not both.

1 (iv) Slats must be no less than 3.5 inches in width.

2 (v) Slats must be level with the slat next to it within
3 a single primary enclosure.

4 (vi) Slats must be constructed of a material that is
5 impervious to moisture and able to be cleaned and sanitized
6 and must not be treated with any substance that would be
7 toxic to dogs that are exposed to it or ingest it.

8 All cages must include a solid surface, which may be
9 removable for cleaning. The solid surface must be large enough
10 for all the dogs in the enclosure to lie down in a full lateral
11 recumbent position.

12 The primary enclosure must be impervious to moisture and
13 must be able to be sanitized.

14 (d) The primary enclosure must provide space to allow each
15 dog to turn about freely, stand, sit, and lie in a comfortable
16 and normal position. The dog must be able to lie down while
17 fully extended without the dog's head, tail, legs, face, or
18 feet touching any side of the enclosure and without touching
19 any other dog in the cage. Licensees must also comply with
20 federal law requiring a specified amount of space as found in 9
21 C.F.R. 3.6(c)(1) and multiply the calculated dimensions by 2.

22 (e) Any breeding female with nursing puppies must be
23 provided with an additional amount of floor space, based on her
24 breed and behavioral characteristics. In order to comply with
25 this subsection (e), the amount of floor space provided any
26 breeding female with nursing puppies must be in accordance with

1 generally accepted husbandry practices as determined by the
2 Department.

3 (f) All dogs housed in the same primary enclosure must be
4 compatible, as determined by observation, and the licensee must
5 comply with the following requirements:

6 (1) Not more than 3 dogs that are 5 months or older may
7 be housed in the cage, kennel, or run.

8 (2) Dogs with a vicious or aggressive disposition, as
9 defined by the Department, must be housed individually.

10 (3) Breeding females in heat may not be housed in the
11 same primary enclosure with sexually mature males, except
12 for breeding.

13 (4) Breeding females with litters may not be housed in
14 the same primary enclosure with other adult dogs, and
15 puppies under 12 weeks of age may not be housed in the same
16 primary enclosure with adult dogs, other than the dam or
17 foster dam.

18 (g) Primary enclosures must be placed no higher than 30
19 inches above the floor of the housing facility and may not be
20 placed over or stacked on top of another cage or primary
21 enclosure.

22 (h) Each primary enclosure must have an entry way that
23 allows each dog unfettered clearance to an outdoor run. Each
24 primary enclosure must open onto and be adjacent to an outdoor
25 run area. Each outdoor run must only be accessible from one
26 primary enclosure. Dogs must not be able to access runs that

1 are accessible from other primary enclosures. Each entry way
2 from a primary enclosure to an outdoor run area must be
3 equipped with a wind or rain break which protects the dogs from
4 rain, snow, sun, and wind while in their primary enclosures.
5 Dogs must have unfettered clearance from their primary
6 enclosures to the outdoor run area. The run must:

7 (1) be at least 2 times the size of the primary
8 enclosure as required under subsection (d) of this Section;

9 (2) be constructed to prevent the dogs from escaping;

10 (3) be kept in good repair and be free of rust, jagged
11 edges, or other defects that could cause injury to the
12 dogs;

13 (4) be sanitized to remove all debris and waste on a
14 daily basis or more often if necessary to prevent
15 accumulation of debris and waste and reduce disease
16 hazards, insects, pests, and odors;

17 (5) have ground that is solid and maintainable.
18 Surfaces, such as gravel, packed earth, and grass, may be
19 used;

20 (6) be on ground level;

21 (7) be cleared of snow and ice when conditions require;

22 and

23 (8) provide sufficient shade for all dogs.

24 Section 65. Indoor housing facility.

25 (a) All indoor housing facilities must meet all of the

1 following requirements:

2 (1) Be sufficiently heated and cooled to protect the
3 dogs from temperature or humidity extremes and to provide
4 for their health and well-being. The ambient temperature in
5 the facility must not fall below 50 degrees Fahrenheit or
6 rise above 85 degrees Fahrenheit.

7 (2) Be sufficiently ventilated at all times to minimize
8 odors, drafts, and ammonia levels and to prevent moisture
9 condensation.

10 (3) Be equipped with a working smoke alarm and have a
11 means of fire suppression, such as a functioning fire
12 extinguisher or a functioning sprinkler system on the
13 premises.

14 (4) Be an enclosure created by the continuous
15 connection of a roof, floor, and walls.

16 (5) Have at least one door for entry and exit that can
17 be opened and closed (any windows or openings which provide
18 natural light must be covered with a transparent material,
19 such as glass or hard plastic) or in the case of an outdoor
20 run, a wind or rain break must be provided.

21 (6) Have sufficient lighting to allow for observation
22 of the dogs.

23 (b) The area surrounding the indoor housing facility must
24 be kept clean and in good repair to protect the dogs from
25 injury, to facilitate the husbandry practices required in this
26 Act, and to prevent infestation by rodents or other pests.

1 Premises must be kept free of accumulations of trash, junk,
2 waste products, and discarded matter. Weeds, grasses, and
3 bushes must be controlled to facilitate cleaning of the
4 premises, to allow for effective pest control, and to protect
5 the health and well-being of the dogs.

6 Section 70. Animal welfare issues. The Department must
7 refer any situation that appears to violate the Humane Care for
8 Animals Act to the appropriate County Animal control and either
9 local law enforcement or the appropriate County States Attorney
10 for further investigation within 24 hours. Nothing in this Act
11 would prevent further investigation and prosecution under the
12 Humane Care for Animals Act or the Animal Welfare Act.

13 Section 75. Euthanasia. All dogs euthanized must be
14 humanely euthanized by a licensed veterinarian.

15 Section 80. Separation of dogs for medical reasons. A dog
16 may not be kept in the same kennel, cage, or run as other dogs
17 if the dog has a chronic cough, chronic diarrhea, or other
18 known communicable illness. Dogs separated because of medical
19 reasons may not use food or water containers used by any other
20 dogs. No dog may be exposed to the waste of any dog that has a
21 chronic cough, chronic diarrhea, or any other known
22 communicable illness. A licensee must seek veterinary care if
23 chronic cough, chronic diarrhea, or other known communicable

1 illnesses are present. Dogs separated for medical reasons must
2 be kept separate until such time as a veterinarian prescribes.

3 Section 85. Advertising; license number. Any licensee who
4 advertises the availability of any dog for sale, adoption, or
5 transfer, whether for compensation or otherwise must
6 prominently display their license number in any such
7 advertisement. The licensee must provide their license number
8 to any person who purchases, adopts, or receives any dog from
9 the licensee and include the license number on any receipt of
10 sale.

11 Section 90. Grounds for discipline.

12 (a) In addition to any other cause set out in this Act, the
13 Department may refuse to issue or renew and may suspend, place
14 on probation, or revoke any license to operate as a dog
15 breeder, or take any other action that the Department may deem
16 proper, including the imposition of fines not to exceed \$5,000
17 for each violation, for any one of the following causes:

18 (1) Material misstatement in the application for
19 original license or in the application for any renewal
20 license under this Act.

21 (2) Violation of this Act or of any rules adopted
22 pursuant to this Act.

23 (3) Aiding or abetting another in the violation of this
24 Act or of any rule adopted pursuant to this Act.

1 (4) Allowing one's license under this Act to be used by
2 an unlicensed person.

3 (5) Conviction of any crime where an essential element
4 of that crime is misstatement, fraud, or dishonesty.

5 (6) Conviction of a felony, if the Department
6 determines after investigation that such person has not
7 been sufficiently rehabilitated to warrant the public
8 trust.

9 (7) Conviction for violating any rule or law of
10 Illinois relating to the sale of dogs, cats, or other
11 animals.

12 (8) In connection with the business of a licensee under
13 this Act, making substantial misrepresentations or false
14 promises of a character likely to influence, persuade, or
15 induce a sale.

16 (9) Pursuing a continued course of misrepresentation
17 of or making false promises through advertising, salesman,
18 agents, or otherwise in connection with the business of a
19 licensee under this Act.

20 (10) Failure to possess the necessary qualifications
21 or to meet the requirements of the Dog Breeders License Act
22 for the issuance or holding a license.

23 (11) Proof that the licensee is guilty of gross
24 negligence, incompetency, or cruelty with regard to
25 animals.

26 (b) The Department may refuse to issue or may suspend the

1 license of any person who fails to file a return, to pay the
2 tax, penalty, or interest shown in a filed return, or to pay
3 any final assessment of tax, penalty, or interest as required
4 by any tax Act administered by the Illinois Department of
5 Revenue, until such time as the requirements of any such tax
6 Act are satisfied.

7 Section 95. Compliance upon receiving an order of
8 revocation.

9 (a) When the Department issues an order revoking a license,
10 the order must set forth the general factual and legal basis
11 for the action and must advise the affected person that, within
12 7 days of receipt of the order, the licensee may file with the
13 Secretary a written request for an administrative hearing. The
14 order of revocation shall become a final order of the
15 Department upon expiration of the 7-day period for requesting
16 an administrative hearing, unless a timely request has been
17 filed with the Department.

18 (b) The licensee must dispose of all unaltered dogs within
19 7 days after receiving an order of revocation. The licensee may
20 only dispose of the dogs to an animal control facility or
21 Illinois licensed shelter or by having a dog humanely
22 euthanized by a licensed veterinarian. Failure to comply
23 results in forfeiture of their unaltered dogs to the Department
24 of Agriculture or a local animal control facility and the
25 issuance of a civil penalty by the Department in an amount not

1 to exceed \$5,000 for each offense.

2 (c) A licensee that requests a hearing under this Act
3 within 7 days of receiving an order of revocation does not have
4 to comply with subsection (b) until the hearing on the order of
5 revocation has concluded. However, until the hearing has
6 concluded, the licensee must not sell or breed any dog.

7 Section 100. Investigations; notice and hearing. The
8 Department must, before refusing to issue or renew a license or
9 disciplining a licensee pursuant to Section 90 of this Act,
10 notify the applicant or holder of a license in writing, at
11 least 30 days prior to the date set for the hearing, of the
12 nature of the charges and that a hearing will be held on the
13 date designated. The notice must direct the applicant or
14 licensee to file a written answer under oath within 20 days
15 after the service of the notice, and must inform the applicant
16 or licensee that failure to file an answer will result in a
17 default judgment being entered against the applicant or
18 licensee. A default order may result in the license being
19 suspended, revoked, or placed on probationary status, or other
20 disciplinary action may be taken, including limiting the scope,
21 nature, or extent of practice, as the Director may deem proper.
22 Written notice may be served by personal delivery or certified
23 or registered mail to the respondent at the address of his or
24 her last notification to the Department.

25 In case the person fails to file an answer after receiving

1 notice, his or her license or license may, in the discretion of
2 the Department, be suspended, revoked, or placed on
3 probationary status and the Department may take whatever
4 disciplinary action it deems proper, including limiting the
5 scope, nature, or extent of the person's practice or the
6 imposition of a fine, without a hearing, if the act or acts
7 charged constitute sufficient grounds for that action under
8 this Act. At the time and place fixed in the notice, a hearing
9 officer proceeds to hear the charges and the parties or their
10 counsel must be accorded ample opportunity to present
11 statements, testimony, evidence, and argument that may be
12 pertinent to the charges or to the licensee's defense.

13 Section 105. Inspection. The Director may at any time
14 inspect the licensee's facility or the facility of a person
15 acting as a dog breeder who is required to be, but is not,
16 licensed. The inspector must have access to all records and
17 files used by the licensee or an unlicensed dog breeder. If the
18 licensee refuses to provide access to any animal, record, or
19 file, then the Department may issue a cease and desist order or
20 revoke their license. Nothing in this Act limits the ability of
21 a Department of Agriculture investigator, an animal control
22 administrator, or a law enforcement official from inspecting
23 the premises to enforce the Humane Care for Animals Act.

24 Section 110. Department may take testimony and oaths. The

1 Department has the power to subpoena and bring before it any
2 person in this State and to take testimony either orally or by
3 deposition, or both, with the same fees and mileage and in the
4 same manner as prescribed by law in judicial procedure in civil
5 cases in courts of this State.

6 The hearing officer has the power to administer oaths to
7 witnesses at any hearing which the Department is authorized by
8 law to conduct, and any other oaths required or authorized in
9 any Act administered by the Department.

10 Section 115. Appointment of a hearing officer. The
11 Director has the authority to appoint any attorney duly
12 licensed to practice law in this State to serve as the hearing
13 officer in any action for refusal to issue or renew a license
14 or permit or for the discipline of a licensee. The hearing
15 officer has full authority to conduct the hearing and must
16 report his or her findings and recommendations to the Director.

17 Section 120. Findings and recommendations. At the
18 conclusion of the hearing, the hearing officer presents to the
19 Director a written report of his or her findings and
20 recommendations. The report must contain a finding of whether
21 or not the accused person violated this Act or failed to comply
22 with the conditions required under this Act. The hearing
23 officer must specify the nature of the violation or failure to
24 comply and must make his or her recommendations to the

1 Director.

2 The report of findings and recommendations of the hearing
3 officer must be the basis for the Department's order or refusal
4 or for the granting of a license unless the Director determines
5 that the hearing officer's report is contrary to the manifest
6 weight of the evidence, then the Director may issue an order in
7 contravention of the hearing officer's report. The findings in
8 the hearing officer's report are not admissible in evidence
9 against the person in a criminal prosecution brought for the
10 violation of this Act, but the hearing and finding are not a
11 bar a criminal prosecution brought for the violation of this
12 Act.

13 Section 125. Administrative review; venue.

14 (a) All final administrative decisions of the Department
15 are subject to judicial review pursuant to the Administrative
16 Review Law and its rules. The term "administrative decision" is
17 defined as in Section 3-101 of the Code of Civil Procedure.

18 (b) Proceedings for judicial review must commence in the
19 circuit court of the county in which the party applying for
20 relief resides; but if the party is not a resident of this
21 State, the venue must be in Sangamon County.

22 (c) The Department is not required to certify any record to
23 the court or file any answer in court or otherwise appear in
24 any court in a judicial review proceeding, unless there is
25 filed in the court, with the complaint, a receipt from the

1 Department acknowledging payment of the costs of furnishing and
2 certifying the record. Failure on the part of the plaintiff to
3 file a receipt in court is be grounds for dismissal of the
4 action.

5 Section 130. Violations; injunction; cease and desist
6 order.

7 (a) If any person violates a provision of this Act, the
8 Director may, in the name of the People of the State of
9 Illinois, through the Attorney General of the State of Illinois
10 or the State's Attorney in the county in which the offense
11 occurs, petition for an order enjoining the violation or for an
12 order enforcing compliance with this Act. Upon the filing of a
13 verified petition in court, the court may issue a temporary
14 restraining order, without notice or bond, and may
15 preliminarily and permanently enjoin the violation. If the
16 court finds that the person has violated or is violating the
17 injunction, the court may punish the offender for contempt of
18 court. Proceedings under this Section are in addition to, and
19 not instead of, all other remedies and penalties provided by
20 this Act.

21 (b) Whenever, in the opinion of the Department, a person
22 violates any provision of this Act, the Department may issue a
23 rule to show cause why an order to cease and desist should not
24 be entered against him or her. The rule must clearly set forth
25 the grounds relied upon by the Department and must provide the

1 person a period of 7 days from the date of the rule to file an
2 answer to the satisfaction of the Department. If the answer
3 fails to satisfy the Department, the Department may immediately
4 issue an order to cease and desist.

5 Section 135. Unlicensed practice; violation; civil
6 penalty.

7 (a) Any person not licensed under this Act must, in
8 addition to any other penalty provided by law, pay a civil
9 penalty to the Department in an amount not to exceed \$5,000 for
10 each offense as determined by the Department. The Department
11 assesses the civil penalty after holding a hearing in
12 accordance with the provisions set forth in Section 100 of this
13 Act. The Department has the authority and power to investigate
14 any unlicensed activity.

15 (b) The civil penalty must be paid within 60 days after the
16 effective date of the order imposing the civil penalty. The
17 order constitutes a judgment and may be filed and executed in
18 the same manner as any judgment from any court of record.

19 (c) The Department may also issue a cease and desist order
20 to any person doing business without the required license.

21 The order must set forth the general factual and legal
22 basis for the action and must advise the affected person that
23 within 7 days of receipt of the order, he or she may file with
24 the secretary a written request for an administrative hearing.
25 The order to cease and desist becomes a final order of the

1 Department upon expiration of the 7 day period for requesting
2 an administrative hearing, unless a timely request is filed
3 with the Department.

4 An unlicensed dog breeder who receives a cease and desist
5 order must dispose of all unaltered dogs within 7 days of
6 having his or her license revoked. The unlicensed dog breeder
7 may only dispose of the dogs to an animal control facility or
8 Illinois licensed shelter or by having a dog humanely
9 euthanized by a licensed veterinarian. Failure to comply
10 results in forfeiture of his or her unaltered dogs to the
11 Illinois Department of Agriculture or local animal control
12 facility and the issuance of a civil penalty by the Department
13 in an amount not to exceed \$5,000 for each offense.

14 An unlicensed dog breeder that requests a hearing and
15 applies for a license under this Act within 7 days of receiving
16 the cease and desist order does not have to dispose of
17 unaltered dogs in accordance with this subsection (c). However,
18 until a license is granted, the unlicensed dog breeder may not
19 breed any dog or sell any dog.

20 Section 140. Criminal penalties and seizures. Nothing in
21 this Act prevents individuals or licensees from being charged
22 with a violation of the Humane Care for Animals Act or the
23 Animal Welfare Act or from having their animals seized for
24 violations of the Humane Care for Animals Act or the Animal
25 Welfare Act. The Department may refer any matter for criminal

1 investigation and prosecution to the appropriate County States
2 Attorney and local law enforcement.

3 Section 145. Surrender of license. Upon the voluntary
4 surrender of a license, revocation, or suspension of any
5 license, the licensee relinquishes his or her license to the
6 Department. If the licensee does not relinquish the license to
7 the Department, the Department may seize the license. Upon
8 surrender of the license, the Department must contact the
9 appropriate County Animal Control and appropriate County
10 States Attorney. The fees assessed under this Act may be set by
11 rule.

12 Section 150. Deposit of fees and fines; appropriations. All
13 fees and fines collected under this Act must be deposited into
14 the General Professions Dedicated Fund and must be used by the
15 Department of Financial and Professional Regulation, as
16 appropriated, for the ordinary and contingent expenses of the
17 Department in the administration of this Act.

18 Section 155. Administrative Procedure Act. The Illinois
19 Administrative Procedure Act is hereby expressly adopted and
20 incorporated in this Act as if all the provisions of the
21 Illinois Administrative Procedure Act were included in this
22 Act, except for the provision of subsection (d) of Section
23 10-65 of the Illinois Administrative Procedure Act that gives

1 the licensee at hearings the right to show compliance with all
2 lawful requirements for retention, continuation, or renewal of
3 the license. For the purposes of this Act, the notice
4 requirement under Section 10-25 of the Administrative
5 Procedure Act is met when notice is mailed to the party's last
6 known address.

7 Section 157. Home rule. This Act may not be construed to
8 limit the power of a unit of local government from regulating
9 or licensing the practice of dog breeding in a manner more
10 restrictive than the State. This Section is a limitation under
11 subsection (i) of Section 6 of Article VII of the Illinois
12 Constitution on the concurrent exercise by home rule units of
13 powers and functions exercised by the State.

14 Section 160. Severability. If any provision of this Act or
15 the application of any provision of this Act to any person or
16 circumstance is held invalid, the invalidity does not affect
17 other provisions or applications of this Act that can be given
18 effect without the invalid provision or application, and for
19 this purpose the provisions of this Act are severable.

20 Section 900. The Regulatory Sunset Act is amended by adding
21 Section 4.30 as follows:

22 (5 ILCS 80/4.30 new)

1 Sec. 4.30. Act repealed on January 1, 2020. The following
2 Act is repealed on January 1, 2020:

3 The Dog Breeder License Act.

4 Section 905. The Animal Welfare Act is amended by changing
5 Sections 2, 2.2, 3, and 3.1 and by adding Sections 3.13 and
6 3.15 as follows:

7 (225 ILCS 605/2) (from Ch. 8, par. 302)

8 Sec. 2. Definitions. As used in this Act unless the context
9 otherwise requires:

10 "Department" means the Illinois Department of Agriculture.

11 "Director" means the Director of the Illinois Department of
12 Agriculture.

13 "Pet shop operator" means any person who sells, offers to
14 sell, exchange, or offers for adoption with or without charge
15 or donation dogs, cats, birds, fish, reptiles, or other animals
16 customarily obtained as pets in this State. However, a person
17 who sells only such animals that he has produced and raised
18 shall not be considered a pet shop operator under this Act, and
19 a veterinary hospital or clinic operated by a veterinarian or
20 veterinarians licensed under the Veterinary Medicine and
21 Surgery Practice Act of 2004 shall not be considered a pet shop
22 operator under this Act. "Pet shop operator" does not include a
23 licensed shelter or an animal control facility that is licensed
24 under this Act or the Animal Control Act.

1 "Dog breeder dealer" means any person who is, or should be
2 licensed under the Dog Breeder License Act. ~~who sells, offers~~
3 ~~to sell, exchange, or offers for adoption with or without~~
4 ~~charge or donation dogs in this State. However, a person who~~
5 ~~sells only dogs that he has produced and raised shall not be~~
6 ~~considered a dog dealer under this Act, and a veterinary~~
7 ~~hospital or clinic operated by a veterinarian or veterinarians~~
8 ~~licensed under the Veterinary Medicine and Surgery Practice Act~~
9 ~~of 2004 shall not be considered a dog dealer under this Act.~~

10 "Secretary of Agriculture" or "Secretary" means the
11 Secretary of Agriculture of the United States Department of
12 Agriculture.

13 "Person" means any person, firm, corporation, partnership,
14 association or other legal entity, any public or private
15 institution, the State of Illinois, or any municipal
16 corporation or political subdivision of the State.

17 "Kennel operator" means any person who operates an
18 establishment, other than an animal control facility,
19 veterinary hospital, or animal shelter, where dogs or dogs and
20 cats are maintained for boarding, training or similar purposes
21 for a fee or compensation. ~~; or who sells, offers to sell,~~
22 ~~exchange, or offers for adoption with or without charge dogs or~~
23 ~~dogs and cats which he has produced and raised. A person who~~
24 ~~owns, has possession of, or harbors 5 or less females capable~~
25 ~~of reproduction shall not be considered a kennel operator.~~

26 "Cattery operator" means any person who operates an

1 establishment, other than an animal control facility or animal
2 shelter, where cats are maintained for boarding, training or
3 similar purposes for a fee or compensation; or who sells,
4 offers to sell, exchange, or offers for adoption with or
5 without charges cats which he has produced and raised. A person
6 who owns, has possession of, or harbors 5 or less females
7 capable of reproduction shall not be considered a cattery
8 operator.

9 "Animal control facility" means any facility operated by or
10 under contract for the State, county, or any municipal
11 corporation or political subdivision of the State for the
12 purpose of impounding or harboring seized, stray, homeless,
13 abandoned or unwanted dogs, cats, and other animals. "Animal
14 control facility" also means any veterinary hospital or clinic
15 operated by a veterinarian or veterinarians licensed under the
16 Veterinary Medicine and Surgery Practice Act of 2004 which
17 operates for the above mentioned purpose in addition to its
18 customary purposes.

19 "Animal shelter" means a facility operated, owned, or
20 maintained by a duly incorporated humane society, animal
21 welfare society, or other non-profit organization for the
22 purpose of providing for and promoting the welfare, protection,
23 and humane treatment of animals. "Animal shelter" also means
24 any veterinary hospital or clinic operated by a veterinarian or
25 veterinarians licensed under the Veterinary Medicine and
26 Surgery Practice Act of 2004 which operates for the above

1 mentioned purpose in addition to its customary purposes.

2 "Foster home" means an entity that accepts the
3 responsibility for stewardship of animals that are the
4 obligation of an animal shelter, not to exceed 4 animals at any
5 given time. Permits to operate as a "foster home" shall be
6 issued through the animal shelter.

7 "Guard dog service" means an entity that, for a fee,
8 furnishes or leases guard or sentry dogs for the protection of
9 life or property. A person is not a guard dog service solely
10 because he or she owns a dog and uses it to guard his or her
11 home, business, or farmland.

12 "Guard dog" means a type of dog used primarily for the
13 purpose of defending, patrolling, or protecting property or
14 life at a commercial establishment other than a farm. "Guard
15 dog" does not include stock dogs used primarily for handling
16 and controlling livestock or farm animals, nor does it include
17 personally owned pets that also provide security.

18 "Sanitized" means cleaning hard surfaces and food and water
19 receptacles using one of the following methods:

20 (1) Live steam under pressure.

21 (2) Washing with water with a temperature of at least 180
22 degrees Fahrenheit and soap or detergent, as with a mechanical
23 cage washer.

24 (3) Washing all soiled surfaces with appropriate detergent
25 solutions or disinfectant products followed by a clean water
26 rinse that removes all organic material and mineral buildup.

1 "Sentry dog" means a dog trained to work without
2 supervision in a fenced facility other than a farm, and to
3 deter or detain unauthorized persons found within the facility.

4 "Primary enclosure" means the primary structure that
5 restricts a dog's ability to move, which includes a kennel,
6 cage, or run.

7 "Probationary status" means the 12-month period following
8 a series of violations of this Act during which any further
9 violation shall result in an automatic 12-month suspension of
10 licensure.

11 (Source: P.A. 95-550, eff. 6-1-08.)

12 (225 ILCS 605/2.2) (from Ch. 8, par. 302.2)

13 Sec. 2.2. No dog breeder ~~dealer~~, kennel operator, or
14 cattery operator shall separate a puppy or kitten from its
15 mother, for the purpose of sale, until such puppy or kitten has
16 attained the age of 8 weeks.

17 All licensees under this Act shall maintain records of the
18 origin and sale of all dogs, and such records shall be made
19 available for inspection by the Secretary or the Department
20 upon demand. Such records must contain proof in proper form of
21 purebreds and their pedigree, and evidence of such proof must
22 be provided to any person acquiring a dog from a licensee under
23 this Act. In addition, guard dog services shall be required to
24 maintain records of transfer of ownership, death, or
25 disappearance of a guard dog or sentry dog used by that guard

1 dog service.

2 (Source: P.A. 89-178, eff. 7-19-95.)

3 (225 ILCS 605/3) (from Ch. 8, par. 303)

4 Sec. 3. (a) Except as provided in subsection (b) of this
5 Section, no person shall engage in business as a pet shop
6 operator, dog breeder ~~dealer~~, kennel operator, cattery
7 operator, or operate a guard dog service, an animal control
8 facility or animal shelter or any combination thereof, in this
9 State without a license therefor issued by the Department. Only
10 one license shall be required for any combination of businesses
11 at one location, except that a separate license shall be
12 required to operate a guard dog service. Guard dog services
13 that are located outside this State but provide services within
14 this State are required to obtain a license from the
15 Department. Out-of-state guard dog services are required to
16 comply with the requirements of this Act with regard to guard
17 dogs and sentry dogs transported to or used within this State.

18 (b) This Act does not apply to a private detective agency
19 or private security agency licensed under the Private
20 Detective, Private Alarm, Private Security, Fingerprint
21 Vendor, and Locksmith Act of 2004 that provides guard dog or
22 canine odor detection services and does not otherwise operate a
23 kennel for hire.

24 (Source: P.A. 95-613, eff. 9-11-07.)

1 (225 ILCS 605/3.1) (from Ch. 8, par. 303.1)

2 Sec. 3.1. Information on dogs for sale. ~~Information on dogs~~
3 ~~and cats for sale.~~ Every pet shop operator must post in a
4 conspicuous place in writing on or near the cage of every dog
5 available for sale the information set forth below. For pet
6 shop operators making dogs available for sale over the
7 internet, the disclosure must be posted in conjunction with the
8 information about the individual dog for sale. The disclosure
9 must be signed by both the pet shop and the consumer and must
10 be maintained by the pet shop operator for a period of 2 years
11 from the date of sale. The disclosure must include: ~~Every pet~~
12 ~~shop operator, dog dealer, and cattery operator shall provide~~
13 ~~the following information for every dog or cat available for~~
14 ~~sale:~~

15 (a) The breed, age, date of birth, sex, and color of
16 the dog. ~~The age, sex, and weight of the animal.~~

17 (b) The dates of any inoculations and medical
18 treatments administered to the dog at any time prior to the
19 sale, including the name and address of the individual who
20 performed the examination and administered any treatments
21 or medications. ~~The breed of the animal.~~

22 (c) The name of the breeder and the facility where the
23 dog was bred, including the address and phone number. If
24 the breeder is located in Illinois, the breeder's license
25 number must be included. If the breeder holds a license
26 issued by the United States Department of Agriculture, the

1 breeder's federal identification number must be provided.

2 ~~A record of vaccinations and veterinary care and treatment.~~

3 (d) The name and address of any other person who owned
4 or harbored the dog between its birth and the point of
5 sale. A record of surgical sterilization or lack of
6 surgical sterilization.

7 (e) The retail price of the dog, including any
8 additional fees or charges. If financing is being offered
9 for the purchase of the dog, the disclosure must also
10 include the following information: name of the company
11 financing the sale, annual percentage rate, monthly
12 payment amount, term of the loan, total finance charge, and
13 total amount paid at the end of the loan. The name and
14 address of the breeder of the animal.

15 (f) Any known congenital or hereditary diseases of the
16 parents of the dog ~~The name and address of any other person~~
17 ~~who owned or harbored the animal between its birth and the~~
18 ~~point of sale.~~

19 (g) Any known illness or medical condition of the dog
20 at the time of sale.

21 (h) If the dog is being sold as being capable of
22 registration with a pedigree registry organization, the
23 name and registration numbers of the mother and father, and
24 the name and address of the pedigree registry organization
25 where the mother and father are registered.

26 (i) If the dog was returned by a retail customer, the

1 date and reason for the return.

2 (j) Include the following statement and circle the
3 corresponding answer: "The facility in which the dog was
4 born has produced: (1) 1-2 litters in the past calendar
5 year, (2) 3-10 litters in the past calendar year, (3) 11-39
6 litters in the past calendar year, or (4) more than 40
7 litters in the past calendar year.".

8 (k) The pet shop's policy regarding any guarantees,
9 warranties, refunds, and returns.

10 (l) The signature and printed name of an owner or
11 manager of the pet shop operator and the date beneath the
12 following statement: "I hereby attest that all of the above
13 information is true and correct to the best of my
14 knowledge, and I have made a diligent effort to obtain this
15 information.".

16 (m) Blank space for the customer to sign and print
17 their name and print the date beneath the following
18 statement: "I hereby attest that this disclosure was posted
19 with the dog for sale and that I have read all the
20 disclosures. I further understand that I am entitled to
21 keep a signed copy of this disclosure.".

22 Before the sale is completed, the pet shop operator must
23 have the consumer sign and date the disclosure as described in
24 subsection (m) of this Section.

25 Every pet shop operator must make copies and provide a copy
26 of the "Buying a New Dog" pamphlet created by the Department of

1 Agriculture under subsection (c) of Section 50 of the Dog
2 Breeder License Act to each purchaser. The purchaser must
3 initial that they have read the pamphlet prior to the
4 completion of the sale. A copy of the signed pamphlet must be
5 maintained by the pet shop operator and a copy must be given to
6 the consumer.

7 A pet shop operator who intentionally makes false or
8 misleading statements in connection with the disclosures
9 required under this Section has committed a violation of the
10 Consumer Fraud and Deceptive Business Practices Act.

11 (Source: P.A. 87-819.)

12 (225 ILCS 605/3.13 new)

13 Sec. 3.13. Information on cats for sale. Prior to the time
14 of sale, every pet shop operator and cattery operator must
15 provide to the consumer the following information on any cat
16 being purchased:

17 (1) The age, sex, and weight of the cat.

18 (2) The breed of the cat.

19 (3) A record of vaccinations and veterinary care and
20 treatment.

21 (4) A record of surgical sterilization or lack of
22 surgical sterilization.

23 (5) The name and address of the breeder of the cat.

24 (6) The name and address of any other person who owned
25 or harbored the cat between its birth and the point of

1 sale.

2 A copy of this information must be provided to the consumer
3 after the sale is completed.

4 (225 ILCS 605/3.15 new)

5 Sec. 3.15. Requirements for the care of dogs maintained by
6 a pet shop operator.

7 (a) Pet shop operators may only acquire dogs from breeders
8 that are licensed by the Dog Breeder License Act or are
9 licensed as a breeder by the United States Department of
10 Agriculture as defined by 7 U.S.C. 2131 at the time the dog is
11 bred and at the time of sale.

12 (b) Primary enclosures must contain potable water that is
13 not frozen, is free from debris, and is readily accessible to
14 all dogs at all times.

15 Food must be stored in a manner that protects it from
16 spoilage, vermin infestation, and prevents contamination. All
17 dogs must be provided with adequate food at least daily.

18 Food and water receptacles must be cleaned weekly and
19 sanitized so as to comply with this subsection (b).

20 (c) Feces, urine, hair, dirt, debris, and food waste must
21 be removed from the primary enclosure and it must be sanitized
22 at least daily or more often if necessary to prevent an
23 accumulation and to reduce disease hazards, insects, pests, and
24 odors.

25 Dogs must be removed from the primary enclosure when

1 cleaning occurs.

2 (d) The floor of the primary enclosures must be constructed
3 in a manner that protects the dogs' feet and legs from injury.

4 All cages must include a solid surface, which may be
5 removable for cleaning. The solid surface must be large enough
6 for all the dogs in the enclosure to lie down in a full lateral
7 recumbent position.

8 Floors that are warped or sagging must be replaced.

9 The floors and cage must not have any sharp points or edges
10 that could injure the dogs.

11 (e) The primary enclosure must provide space to allow each
12 dog to turn about freely, stand, sit, and lie in a comfortable
13 and normal position. The dog must be able to lie down while
14 fully extended without the dog's head, tail, legs, face, or
15 feet touching any side of the enclosure and without touching
16 any other dog in the cage. Pet shop operators must also comply
17 with federal law requiring a specified amount of space as found
18 in 9 C.F.R. 3.6(c)(1) and multiply the calculated dimensions by
19 2.

20 (f) All dogs housed in the same primary enclosure must be
21 compatible, as determined by observation, and the licensee must
22 comply with the following requirements:

23 (1) Not more than 3 dogs that are 5 months or older may
24 be housed in the cage, kennel, or run.

25 (2) Dogs with a vicious or aggressive disposition, as
26 defined by the Department, must be housed individually.

1 (g) All structures or indoor housing facilities where dogs
2 are kept must meet all of the following requirements:

3 (1) Be sufficiently heated and cooled to protect the
4 dogs from temperature or humidity extremes and to provide
5 for their health and well-being. The ambient temperature in
6 the facility must not fall below 50 degrees Fahrenheit or
7 rise above 85 degrees Fahrenheit.

8 (2) Be sufficiently ventilated at all times to minimize
9 odors, drafts, and ammonia levels and to prevent moisture
10 condensation.

11 (3) Be equipped with a working smoke alarm and have a
12 means of fire suppression, such as a functioning fire
13 extinguisher or a functioning sprinkler system on the
14 premises.

15 (h) If the primary enclosures are stacked, a tray or other
16 Department-approved device must be utilized in order to prevent
17 urine, feces, and other debris from passing onto or being
18 discharged onto the underlying primary enclosure.

19 The tray or Department-approved device must be impermeable
20 to water and capable of being easily sanitized.

21 The tray or Department-approved device must be cleaned and
22 sanitized of all feces, urine, hair, dirt, debris, and food
23 waste at least daily or more often if necessary to prevent an
24 accumulation and to reduce disease hazards, insects, pests and
25 odors.

26 (i) A dog may not be kept in the same kennel, cage, or run

1 as other dogs if the dog has a chronic cough, chronic diarrhea,
2 or other known communicable illness. Dogs separated because of
3 medical reasons may not use food or water containers used by
4 any other dogs. No dog may be exposed to the waste of any dog
5 that has a chronic cough, chronic diarrhea, or any other known
6 communicable illness. A pet shop operator must seek veterinary
7 care if chronic cough, chronic diarrhea, or other known
8 communicable illnesses are present. Dogs separated for medical
9 reasons must be kept separate until such time as a veterinarian
10 prescribes.

11 Section 910. The Consumer Fraud and Deceptive Business
12 Practices Act is amended by changing Section 2Z as follows:

13 (815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

14 Sec. 2Z. Violations of other Acts. Any person who knowingly
15 violates the Automotive Repair Act, the Automotive Collision
16 Repair Act, the Home Repair and Remodeling Act, the Dance
17 Studio Act, the Physical Fitness Services Act, the Hearing
18 Instrument Consumer Protection Act, the Illinois Union Label
19 Act, the Job Referral and Job Listing Services Consumer
20 Protection Act, the Travel Promotion Consumer Protection Act,
21 the Credit Services Organizations Act, the Automatic Telephone
22 Dialers Act, the Pay-Per-Call Services Consumer Protection
23 Act, the Telephone Solicitations Act, the Illinois Funeral or
24 Burial Funds Act, the Cemetery Care Act, the Safe and Hygienic

1 Bed Act, the Pre-Need Cemetery Sales Act, the High Risk Home
2 Loan Act, the Payday Loan Reform Act, the Mortgage Rescue Fraud
3 Act, subsection (a) or (b) of Section 3-10 of the Cigarette Tax
4 Act, the Payday Loan Reform Act, subsection (a) or (b) of
5 Section 3-10 of the Cigarette Use Tax Act, the Electronic Mail
6 Act, the Internet Caller Identification Act, paragraph (6) of
7 subsection (k) of Section 6-305 of the Illinois Vehicle Code,
8 Section 18d-115, 18d-120, 18d-125, 18d-135, or 18d-150 of the
9 Illinois Vehicle Code, Article 3 of the Residential Real
10 Property Disclosure Act, the Automatic Contract Renewal Act, ~~or~~
11 the Personal Information Protection Act, Section 50 of the Dog
12 Breeder License Act, or Section 3.1 of the Animal Welfare Act
13 commits an unlawful practice within the meaning of this Act.

14 (Source: P.A. 94-13, eff. 12-6-05; 94-36, eff. 1-1-06; 94-280,
15 eff. 1-1-06; 94-292, eff. 1-1-06; 94-822, eff. 1-1-07; 95-413,
16 eff. 1-1-08; 95-562, eff. 7-1-08; 95-876, eff. 8-21-08.)

17 Section 999. Effective date. This Act takes effect upon
18 becoming law.